

**IV. AMENDMENTS TO THE DRAWINGS**

- *THE DRAWINGS OF THE PATENT IS HEREBY AMENDED AS SET FORTH BELOW:*

Amended Figs. 3 through 8 are submitted in compliance with 37 CFR 1.121(d).

**V. REMARKS/ARGUMENTS**

• *STATUS OF CLAIMS*

Claims 26 to 39 are pending in the application. Claims 1 to 25 are canceled without prejudice.

• *DRAWINGS*

• *Examiner's Stance*

Examiner has stated that drawings received on 9/23/05 are not acceptable because of margins that are too narrow.

• *Applicant's Response*

Applicant is submitting newly amended Figs. 3 – 8 with this response.

• *CLAIM OBJECTIONS*

• *Examiner's Stance*

The Examiner has objected to claims 7 and 17 for informalities.

• *Applicant's Response*

The Applicant has canceled claim 7 and 17 thereby making the Examiner's objection moot. Newly submitted claims 26 through 39 comply with applicable requirements.

- *CLAIM REJECTIONS*

*REJECTIONS UNDER 35 U.S.C. §112*

- *Examiner's Stance*

The Examiner rejected claims 3 and 6 through 24 for being indefinite. The Examiner has rejected claims 1 and 5 under 35 U.S.C. § 112 as being indefinite. The Examiner has also rejected claim 3 for providing insufficient antecedent basis, and claims 6 through 24 for claiming a system rather than a process.

- *Applicant's Response*

The Applicant has canceled claims 3 and 6 through 24 thereby making the Examiner's rejections moot. Newly submitted claims 26 through 39 comply with applicable requirements.

*REJECTIONS UNDER 35 U.S.C. §101*

- *Examiner's Stance*

The Examiner has rejected claims 1 through 24 because the claimed invention is directed to non-statutory subject matter.

- *Applicant's Response*

The Applicant has canceled claims 1 through 24 thereby making the Examiner's rejections moot. Newly submitted claims 26 through 39 comply with applicable requirements.

*REJECTIONS UNDER 35 U.S.C. §102*

- *Examiner's Stance*

The Examiner has rejected claims 1, 9 through 14, and 22 through 24, under 35 U.S.C. §102(e), as being anticipated by Thomas, et al. (U.S. Patent Application

Publication No. 2004/0236660; hereafter referred to as Thomas). Examiner further rejected claim 25 under 35 U.S.C. §102(a), as being anticipated by BrokerShare, October 8, 2003 (hereafter referred to as BrokerShare).

- *Applicant's Response*

The Applicant has canceled claims 1 through 24 thereby making the Examiner's rejections moot. Newly submitted claims 26 through 39 comply with applicable requirements.

*REJECTIONS UNDER 35 U.S.C. §103*

- *Examiner's Stance*

Examiner has rejected claims 2, 4, and 5 under 35 U.S.C. §103(a) as being unpatentable over Thomas, in view of Murtaugh, et al. (U.S. Patent Application Publication No. 2003/0225666; hereafter referred to as Murtaugh). Examiner also rejected claim 3 as being unpatentable, for reasons of obviousness, over Thomas, in view of Murtaugh and in further view of Brokershare. Examiner also rejected claim 6 as being unpatentable over Thomas, in view of Brokershare. Examiner also rejected claim 7 as being unpatentable, for reasons of obviousness, over Thomas, in view of BrokerShare and in further view of Murtaugh and Buckwalter, et al. (U.S. Patent Application Publication No. 2004/0254877; hereafter referred to as Buckwalter). Examiner also rejected claim 8 as being unpatentable, for reasons of obviousness, over Thomas, in view of BrokerShare, and further view of Murtaugh. Examiner has also rejected claims 15 through 21 as being unpatentable, for reasons of obviousness, over Thomas, in view of Greifeld, et al. (U.S. Patent Application Publication No. 2002/0198815; hereafter referred to as Greifeld).

- *Applicant's Response*

The Applicant has canceled claims 1 through 24 thereby making the Examiner's rejections moot. Newly submitted claims 26 through 39 comply with applicable requirements.

APPLICANT'S COMMENTS

Applicant has added new claims to include the following elements in independent claim 26:

*making said stepout payments automatically to said research broker without providing said research broker information related to trade execution; [instant claim 1; element 5]*

New independent claim 39 also comprises the element:

*notifying said research broker of said step-out payments over set period of time payable to said research broker without disclosure of said commission payment made to said executing broker.  
[instant claim 39; element 6]*

In the Office Action of January 7, 2008, the Examiner cited BrokerShare as disclosing commission sharing that maintains confidentiality, “so your trading strategy will not be revealed to brokers receiving your commissions.” [Office Action: Jan 7, 2008; page 11; lines 19 – 21]. The Applicant respectfully disagrees with the Examiner’s use of the cited reference as a basis for rejection. The pertinent section of the cited reference is:

*“By trading with Instinet and using Instinet BrokerShare as your payment facilitator, you can be assured that the brokers receiving your commission dollars will never know your positions or trading strategies. Our professional and experienced Client Services group will handle commission allocations on your behalf to the broker-dealers you choose.” [BrokerShare, [www.instinet.com](http://www.instinet.com), October 5, 2003 (from [www.archive.org](http://www.archive.org)); lines 31 –34] {underline added for emphasis}*

BrokerShare explicitly states that the function of insuring that the brokers receiving your commission dollars will never know your positions or trading strategies is performed by a client services group. There is no disclosure, teaching, or suggestion that

this function be performed by a computer process. This is patently different than the Applicant's claims where segregating payments to at least one research broker from said executing broker and preventing said research broker from receiving information related to trade execution segregating trade information from research brokers may be performed by a computer process (instant claim 1) or a process within a computer (instant claim 39).

The other Examiner cited prior art references do not address these confidentiality aspects. Thus Applicant asserts that BrokerShare is not pertinent prior art as a basis for claim rejection.

Applicant further asserts that no new material has been added.

CONCLUSION TO REMARKS

Applicant asserts that this response is fully responsive to the Examiner's Office Action dated January 7, 2008. In view of the above, it is respectfully submitted that the subject matter of the pending claims is patentable over the references cited. Applicant respectfully seeks early allowance of the pending claims.

Respectfully Submitted,

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Marvin R. Wachs,  
Reg. No.: 58,227  
KELLEY DRYE & WARREN LLP  
400 Atlantic Street  
Stamford, CT 06901  
Phone 203-351-8072  
Fax: 203-327-2669  
E-mail: mwachs@kelleydrye.com

**VI. APPENDIX**

- **No appendix is attached.**